

46. (New) The method of claim 43, further comprising removing the medical instrument.

47. (New) The method of claim 43, wherein the medical instrument includes a thoroscope.

REMARKS

By this Amendment, claims 1-14 have been canceled, without prejudice or disclaimer. Applicants reserve the right to pursue the subject matter of claims 1-14 in another application. In addition, claim 15 has been amended and claims 16-47 have been added. Support for the amendment to claim 15 and new claims 16-47 can be found in the specification at least at pages 26-30 and in Figs. 10A-10C, 16C-16F, and 16J-16N, for example.

Also by this Amendment, the inventorship has been amended to delete certain inventors whose inventions are no longer being claimed as a result of the election made herein in response to the restriction requirement set forth in the Office Action dated February 4, 2003. A Petition under 37 C.F.R. § 1.48(b) also is being submitted herewith requesting the deletion of the inventors whose inventions are no longer being claimed in this application. The sole inventor of the subject matter currently being claimed in this application is Peter J. WILK. Applicants respectfully request that the inventorship of this application be amended as set forth above.

Moreover, the undersigned representative recently became aware of two additional individuals, Marvin Guiles and Mark Bowen, who contributed to some of the subject matter disclosed in this application, but not currently claimed. Since Peter Wilk

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is the only inventor of the currently claimed subject matter, Applicants will not at this time add these two individuals to this application. If at a later date an application is filed claiming subject matter to which the two additional individuals contributed, Applicants will file appropriate papers relating to inventorship of that application.

Upon review of this application, minor typographical errors in the specification were found. The specification has been amended to correct these errors. An Appendix which shows the current state of the specification, as amended herein and by the amendment in the Transmittal Letter filed with this application and by the Supplemental Preliminary Amendment filed August 31, 2000, is attached hereto. The Appendix also shows the changes that have been made to claim 15 as a result of this Amendment.

In the Office Action dated February 4, 2003, the Examiner required a restriction under 35 U.S.C. §121 between the following claim groups:

- I. Claims 1-7, characterized by the Examiner as being drawn to a shunt having apertures and a diversion tube;
- II. Claim 8, characterized by the Examiner as being drawn to a conduit device having vessel disc members attached;
- III. Claim 9, characterized by the Examiner as being drawn to a stent having a movable flap on the end for blood control;
- IV. Claim 10, characterized by the Examiner as being drawn to a conduit with an access port and graft segment;
- V. Claim 11, characterized by the Examiner as being drawn to a shunt having a seal portion;

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VI. Claim 12, characterized by the Examiner as being drawn to a stent having varying wall thickness;

VII. Claim 13, characterized by the Examiner as being drawn to a stent having a curved conduit with a spiral flow path;

VIII. Claim 14, characterized by the Examiner as being drawn to a stent having a vortex chamber and a tangential flow port; and

IX. Claim 15, characterized by the Examiner as being drawn to a method for inserting a stent using an instrument.

In response to the restriction requirement, Applicants elect to prosecute claim group IX. Claim 15, as amended, as well as new claims 16-47 correspond to this election.

Applicants respectfully request entry of this Amendment and the examination of claims 15-47.

If there is any fee due in connection with the filing of this response that is not already accounted for, please charge the fee to our Deposit Account No. 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

Dated: March 4, 2003

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APPENDIX

Applicants submit that in view of the various specification amendments that have been filed in this application, the specification at page 1, after the title and before the heading "Background of the Invention," presently reads as follows:

Cross-Reference to Related Applications

This is a continuation of application Serial No. 09/369,039, filed August 4, 1999, which is a continuation-in-part of application Serial No. 09/016,485, filed January 30, 1998 and a continuation-in-part of PCT application Serial No. PCT/US99/03484, filed February 17, 1999, and which claims the benefit of U.S. provisional application nos. 60/099,691 and 60/099,720, each filed September 10, 1998; U.S. provisional application no. 60/099,767, filed September 10, 1998; and U.S. provisional application no. 60/104,397, filed October 15, 1998, all of which are incorporated herein by reference.

Changes to claim 15:

15. (Amended) A method of providing direct blood flow between a heart chamber and a coronary vessel, the method comprising the steps of:

inserting an instrument through an anterior wall of the coronary vessel [to form an anterior wall aperture];

further inserting the instrument through a posterior wall of the coronary vessel and a heart wall between the heart chamber and the coronary vessel to form a passageway in the heart wall; and

inserting a nonrigid implant [stent] within the passageway.

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